

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

UNITED STATES OF AMERICA)	
)	
v.)	Criminal No: 19-cr-251-LM
)	
JOHNATHON IRISH,)	
defendant)	

Objection to Defendant's Motion in Limine to Exclude Photographs

In 2013, FBI Agents seized firearms, including the Sig Sauer, Model 1911, .45 caliber pistol that the defendant is charged with possessing here, from defendant Johnathon Irish. The Government anticipates testimony from FBI Special Agent Christiana that the defendant signed a stipulation acknowledging that those firearms belonged to him, and directing that they be released to an individual named Roscoe Whitney. Because of his interactions with Stephanie Irish, the defendant's wife, Agent Christiana became familiar with her. In December of 2018, Agent Christiana received a call from Stephanie Irish. During the call, Stephanie Irish inquired as to whether her husband was allowed to possess firearms. After that conversation, Stephanie Irish sent Agent Christiana a series of photographs by text, including images of the Sig Sauer, Model 1911, .45 caliber pistol previously seized from the defendant, and the defendant's vehicle. The Government anticipates that Agent Christiana will testify that he recognized the firearm as the one previously seized from the defendant, and as the firearm that he released to Roscoe Whitney. He will testify that he recognized the vehicle as one he had seen the defendant drive in the past. Agent Christiana will also testify that because he knew that the defendant was legally prohibited from possessing firearms, he directed that other agents investigate whether the defendant did, in fact, possess firearms.

Defendant moves to exclude the images Agent Christiana received, arguing that they cannot be authenticated. Agent Christiana, however, will testify that the photographs are an accurate depiction of the objects that they purport to show, including the firearm and the car, and that they

are what he received from Stephanie Irish on December 27, 2018. This is sufficient authentication. Agent Christiana cannot testify about when the photographs were taken or who took the photographs. Indeed, the Government anticipates that Agent Christiana will testify that when he received the images, he did not know whether the defendant possessed the firearm. Rather, the fact that the images showed a particular firearm that Agent Christiana was familiar with, coupled with his knowledge that the defendant is prohibited from possessing firearms, led him to direct other agents to determine whether the defendant did, in fact, possess firearms. At bottom, this is what began the investigation.

Because Agent Christiana can testify that the images are fair and accurate depictions of what they purport to be, defendant's motion in limine should be denied.

Date: February 5, 2020

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